BILL NO. Z-84-10-10 (AS AMENDED)

ZONING MAP ORDINANCE NO. Z-24-84

AN ORDINANCE amending the City of Fort Wayne Zoning Map No. R-14.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the area described as follows is hereby designated a B-1-B (Limited Business) District under the terms of Chapter 33 of the Code of theCity of Fort Wayne, Indiana of 1974:

The south 45 feet of the north 205 feet, except the west 40 feet of Lot 36, J.H. Feichter's Garden View Addition, Section 32, St. Joseph Township, Alley County, Indiana

The south 45 feet of the north 205 feet, of the west 25 feet, of Lot 35, J.H. Feichter's Garden View Addition, Section 32, St. Joseph Township, Allen County, Indiana

and the symbols of the City of Fort Wayne Zoning Map No. R-14, as established by Section 11 of Chapter 33 of the Code of the City of Fort Wayne, Indiana are hereby changed accordingly.

SECTION 2. That this Ordinance shall be in force and effect from and after its passage and approval by the Mayor.

_____
COUNCILMEMBER

APPROVED AS TO FORM AND LEGALITY:

_____
BRUCE O. BOXBERGER, CITY ATTORNEY

BILL NO. Z-84-10-18

ZONING MAP ORDINANCE NO. Z-_____

AN ORDINANCE amending the City of
Fort Wayne Zoning Map No. R-14.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the area described as follows is hereby designated a B-1-B (Limited Business) District under the terms of Chapter 33 of the Code of the City of Fort Wayne, Indiana of 1974:

The south 95 feet of the north 255 feet, except the west 40 feet of Lot 36, J.H. Feichter's Garden View Addition, Section 32, St. Joseph Township, Allen County, Indiana

The south 95 feet of the north 255 feet, of the west 25 feet, of Lot 35, J.H. Feichter's Garden View Addition, Section 32, St. Joseph Township, Allen County, Indiana

and the symbols of the City of Fort Wayne Zoning Map No. R-14, as established by Section 11 of Chapter 33 of the Code of the City of Fort Wayne, Indiana are hereby changed accordingly.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Janet G. Bradbury
COUNCILMEMBER

APPROVED AS TO FORM AND LEGALITY:

BRUCE O. BOXBERGER, CITY ATTORNEY

Read the first time in full and on motion by Bradbury, seconded by Stier, and duly adopted, read the second time by title and referred to the Committee Regulations (and the City Plan Commission for recommendation) and ~~Public Hearing to be held after due legal notice, at the Council Chambers, City-County Building, Fort Wayne Indiana, on~~ ~~, the~~ ~~day of~~ ~~, 19~~ ~~, at~~ ~~o'clock~~ ~~.M.,E.S~~

DATE: 10-9-84

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Bradbury, seconded by Stier, and duly adopted, placed on its passage. PASSED / ~~(LOST)~~ by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT	TO-WIT:
TOTAL VOTES	8			1	
BRADBURY	✓				
BURNS	✓				
EISBART	✓				
GiaQUINTA	✓				
HENRY	✓				
REDD	✓				
SCHMIDT	✓				
STIER				✓	
TALARICO	✓				

DATE: 11-13-84

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as ~~(ANNEXATION)~~ ~~(APPROPRIATION)~~ ~~(GENERAL)~~ ~~(SPECIAL)~~ (ZONING MAP) ORDINANCE ~~(RESOLUTION)~~ NO. 3-24-84 on the 13th day of November, 1984,

ATTEST: Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

(SEAL)

Ray A. Talarico
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 14th day of November, 1984, at the hour of 11:20 o'clock A.M.,E.S.T.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 15th day of November, 1984, at the hour of 3:00 o'clock P.M.,E.S.T.

WIN MOSES, JR., MAYOR

Prescribed by State Board of Accounts

A.E. BOYCE CO., MUNCIE, IND. GENERAL FORM NO. 35

ck# 152

RECEIPT

№ 10782

COMMUNITY DEVELOPMENT & PLANNING

FT. WAYNE, IND., Sept. 11 1984

RECEIVED FROM Douglas Harden $ 50.00

THE SUM OF Fifty Dollars 00/100 DOLLARS

ON ACCOUNT OF Rezoning for Hardies - Hobson Rd

Gary Baetz

AUTHORIZED SIGNATURE

PETITION FOR ZONING ORDINANCE AMENDMENT

RECEIPT NO. _____

DATE FILED _____

INTENDED USE _____

THIS IS TO BE FILED IN DUPLICATE

I/We HARDEE'S FOOD SYSTEMS, INC./P. O. Box 927 // Indianapolis, Indiana 46206
(Applicant's Name or Names)

do hereby petition your Honorable Body to amend the Zoning Map of Fort Wayne Indiana, by reclassifying from a/an RB District to a/an B1B District the property described as follows:

The south 95' of the north 255', except the west 40', of lot 36, J. H. Feichler Garden View Addition, Section 32, St. Joseph Township, Allen County, Indiana

The south 95' of the north 255', of the west 25', of lot 35, J. H. Feichler Garden View Addition, Section 32, St. Joseph Township, Allen County, Indiana

(Legal Descrption) If additional space is needed, use reverse side.

ADDRESS OF PROPERTY IS TO BE INCLUDED:

3202 East State Street
Fort Wayne, Indiana
(General Description for Planning Staff Use Only)

I/We, the undersigned, certify that I am/We are the owner(s) of fifty-one percentum (51%) or more of the property described in this petition.

Colonial Partners, an Illinois limited partnership	1959 N. Halsted Street Chicago, IL 60614	By: Jeffrey C. Grossman General Partner
(Name)	(Address)	(Signature)

(If additional space is needed, use reverse side.)

Legal Description checked by _____.
(OFFICE USE ONLY)

NOTE FOLLOWING RULES

All requests for deferrals, continuances, withdrawals, or requst that the ordinance be taken under advisement shall be filed in writing and be submitted to the City Plan Commission prior to the legal notice pertaining to the ordinance being sent to the newspaper for legal publication. If the request for deferral, continuance or request that ordinances be taken under advisement is received prior to the publication of the legal ad being published the head of the Plan Commission staff shall not put the matter on the agenda for the meeting at which it was to be considered. The Plan Commission staff will not accept request from petitioners for deferrals, continuances, withdrawals, or requests that an ordinance be taken under advisement, after the legal notice of said ordinance is forwarded to the newspaper for legal publication but shall schedule the matter for hearing before the City Plan Commission. (FILING FEE $50.00)

Name and address of the preparer, attorney or agent.

Steve Wesner Douglas W. Harden/Director of Development	303 Strauss Building 02 // P. O. Box 927 // Indianapolis, IN 46206	424-6277 //(317)872-84
(Name)	(Address & Zip Code)	(Telephone Number)

COMMUNITY DEVELOPMENT AND PLANNING / Division of Long Range Planning & Zoning and (CITY PLAN COMMISSION) / Room #830, City-County Building, One Main Street, Fort Wayne, IN 46802 (PHONE: 219/423-7571)

Applicants, Property owners and preparer shall be notified of the Public Hearing approximately ten (10) days prior to the meeting.

RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on October 9, 1984, referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated as Bill No. Z-84-10-10; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on October 15, 1984;

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that this ordinance be returned to the Common Council with a DO PASS recommendation based on the Commission's following "Findings of Fact":

(1) the grant will not be injurious to the public health, safety, morals, and general welfare of the community;

(2) the use or value of the area adjacent to the property included in the rezoning will not be affected in a substantially adverse manner;

(3) the need for the rezoning arises from some condition peculiar to the property involved and the condition is not due to the general conditions of the neighborhood

(4) the strict application of the terms of the zoning ordinance will constitute an unusual and unnecessary hardship if applied to the property for which the rezoning is sought; and,

(5) the grant does not interfere substantially with the comprehensive plan adopted under the 500 series of the metropolitan development law.

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held October 22, 1984.

Certified and signed this
22nd day of October 1984.

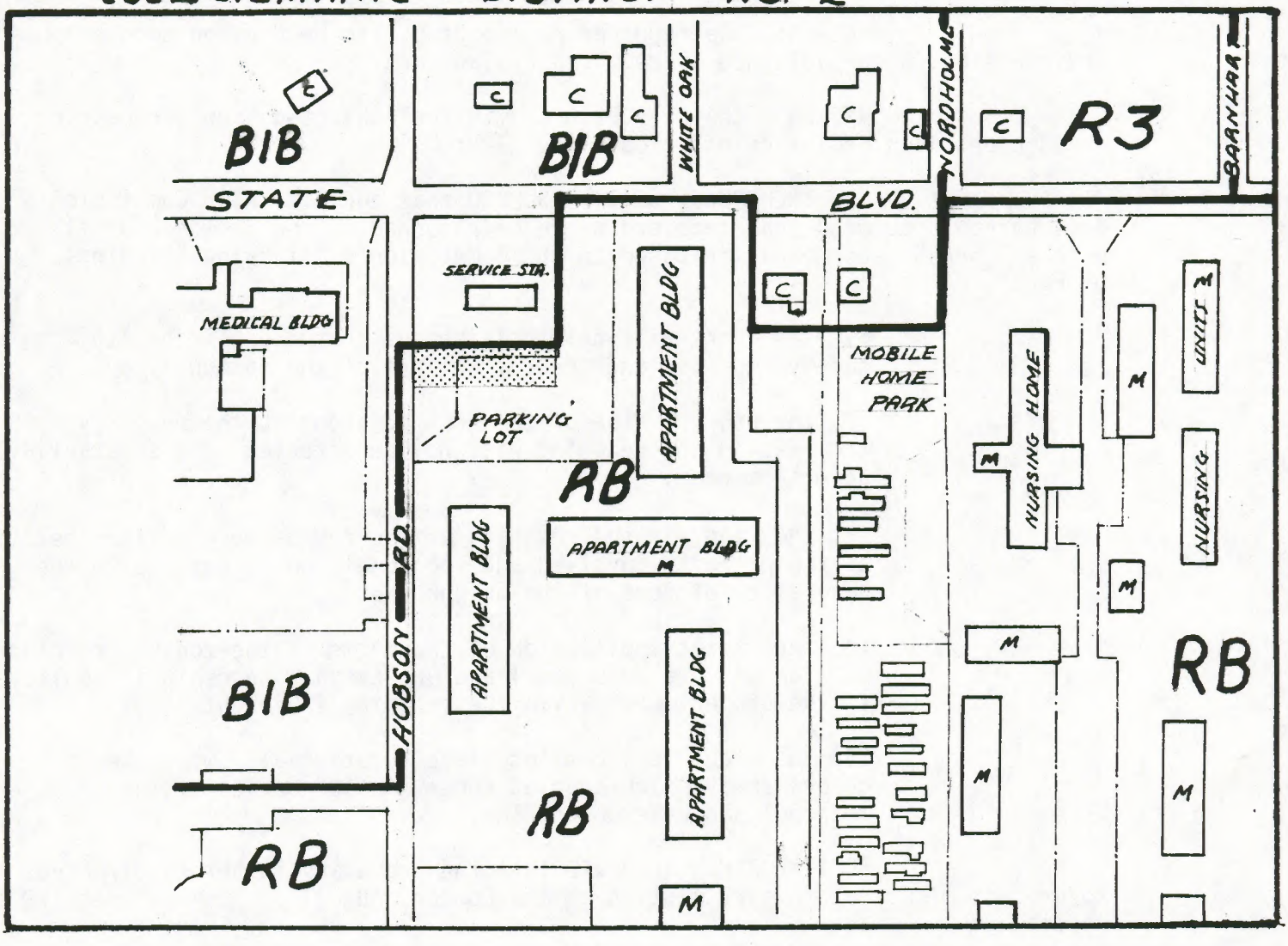
Melvin O. Smith
Secretary

ZONING PETITION - 98

A PETITION TO AMEND THE ZONING MAP BY RECLASSIFYING THE DESCRIBED PROPERTY FROM AN RB DISTRICT TO A BIB DISTRICT.

MAP NO. R-14

COUNCILMANIC DISTRICT NO. 2



Zoning:

RB RESIDENTIAL DISTRICT

BIB BUSINESS DISTRICT

Land Use:

M MULTIPLE FAMILY

C COMMERCIAL

Z-84-10-10

NORTH

Scale: 1" = 200'

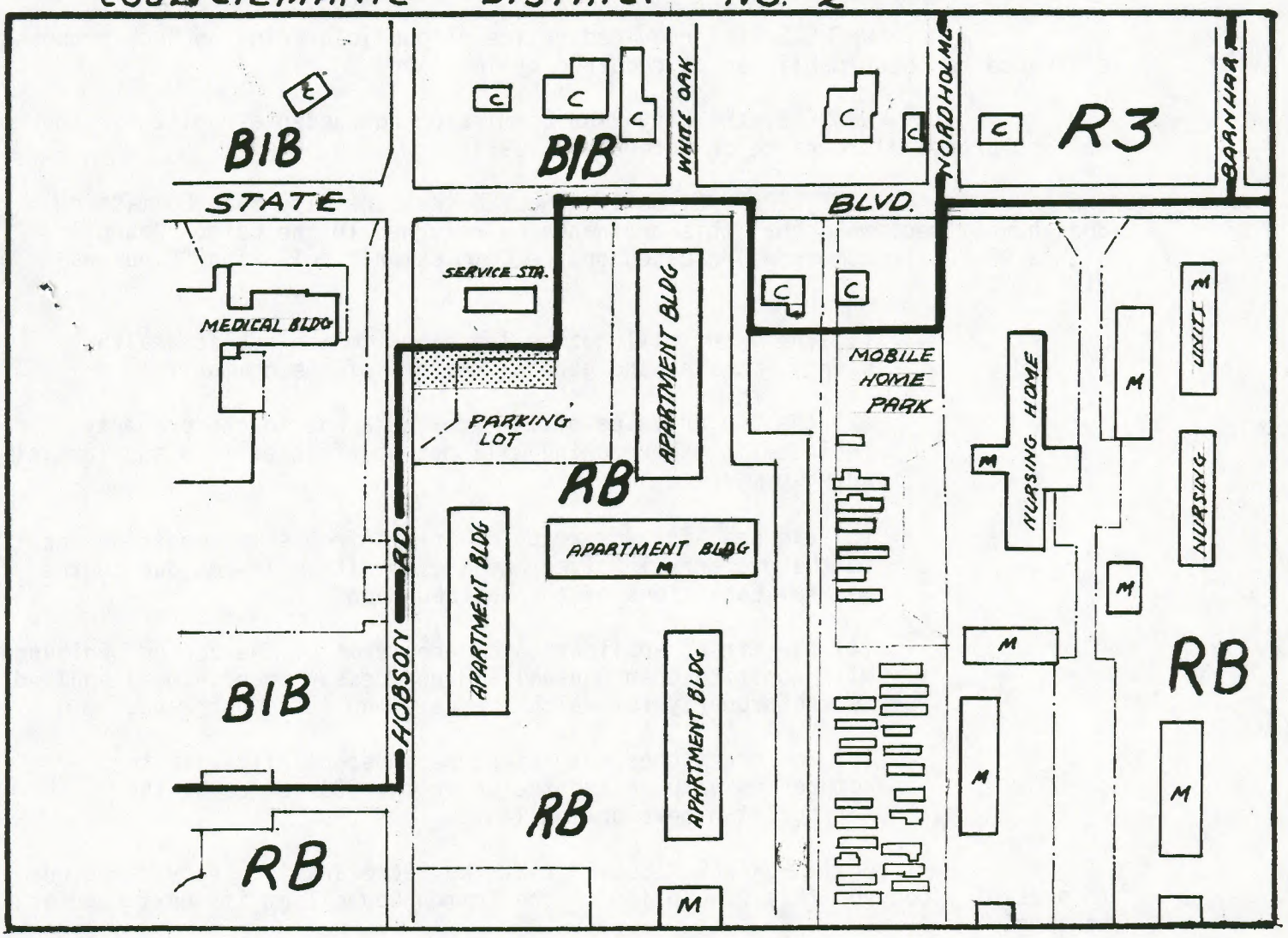
Date: 10-11-84

ZONING PETITION - 98

A PETITION TO AMEND THE ZONING MAP BY RECLASSIFYING THE DESCRIBED PROPERTY FROM AN RB DISTRICT TO A BIB DISTRICT.

MAP NO. R-14

COUNCILMANIC DISTRICT NO. 2



Zoning:

RB RESIDENTIAL DISTRICT

BIB BUSINESS DISTRICT

Land Use:

M MULTIPLE FAMILY

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Z-84-10-10

NORTH

Scale: 1" = 200'

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Certified and signed this
22nd day of October 1984.

Melvin O. Smith
Secretary

BILL NO. Z-84-10-10 (as amended)

State
Hobson - Do

REPORT OF THE COMMITTEE ON REGULATIONS

WE, YOUR COMMITTEE ON REGULATIONS TO WHOM WAS REFERRED AN ORDINANCE amending the City of Fort Wayne Zoning Map No. R-14

HAVE HAD SAID ORDINANCE UNDER CONSIDERATION AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID ORDINANCE Do PASS.

JANET G. BRADBURY, CHAIRWOMAN — Janet G. Bradbury

SAMUEL J. TALARICO, VICE CHAIRMAN — Samuel J. Talarico

CHARLES B. REDD

MARK E. GiaQUINTA

JAMES S. STIER

CONCURRED IN 11-13-84
SANDRA E. KENNEDY, CITY CLERK

FACT SHEET

Z-84-10-10 (As Amended)
BILL NUMBER

Division of Community Development & Planning

BRIEF TITLE	APPROVAL DEADLINE	REASON
Zoning Ordinance Amendment	None	

DETAILS

Specific Location and/or Address

3202 E. State Blvd.

Reason for Project

Construction of a new Hardee's Restaurant.

Discussion (Including relationship to other Council actions)

October 15, 1984 - Public Hearing

Douglas Harden, Director of Development for Hardee's Food Services stated that the property directly north of this request is presently B-1-B and they were requesting that this area be rezoned because they do not feel that the present B-1-B property is large enough to accommodate their proposed development. He stated that they intend to raze the Sunoco Station presently on the property and construct a new building. He stated the property will have a screening fence along the entire south and east side of the property. It will also have an approximate 3 foot elevation grade between the site and the apartments to the south. He stated he had met with Walt Stout, Traffic Engineer to discuss the two existing curb cuts - one on State and one on Hobson - which are practically right at the intersection. He stated that Mr. Stout requested they close those two cuts and place additional or new cuts as far east on State and as far south on Hobson as they could. He stated that they have redone the plan and they can accommodate Mr. Stout's request. He stated that Mr. Stout said they could

POSITIONS	RECOMMENDATIONS
Sponsor	City Plan Commission
Area Affected	City Wide Other Areas
Applicants/ Proponents	Applicant(s) Hardee's Food Systems City Department Other
Opponents	Groups or Individuals Basis of Opposition
Staff Recommendation	[XX] For [ ] Against Reason Against
Board or Commission Recommendation	By [XX] For [ ] Against [ ] No Action Taken [ ] For with revisions to conditions (See Details column for condition
CITY COUNCIL ACTIONS (For Council use only)	[ ] Pass [ ] Other [ ] Pass (as amended) [ ] Hold [ ] Council Sub. [ ] Do not pass

DETAILS

quote him stating that the development would have no adverse affect on traffic and probably would be beneficial due to the different curb cuts.

David Kiester questioned if Mr. Harden would have any problem with the Staff Analysis' request to include only the north 45 feet of the property in the rezoning.

Mr. Harden stated they did not have a problem with that request.

There was no one present who wished to speak in favor or in opposition to the request.

October 22, 1984 - Business Meeting

The Site Committee recommended DO PASS for the following reasons and with the following conditions:

REASONS:

1) This request would allow for redevelopment of an already commercial area which shows signs of deterioration.
2) This use is compatible with other uses in the immediate area.

CONDITIONS:

1) The area to be rezoned should be reduced to include only the north 45 feet of the original request.
2) The use of the remaining property for parking can be accomplished through the Hearing Officer process.

POLICY/PROGRAM IMPACT

Policy or Program Change	☐ No ☐ Yes
Operational Impact Assessment	

(This space for further discussion)

3) Buffering of the property through landscaping, on the south & east.
4) Review and relocation of the access points to facilitate safer movement of traffic.
5) Storm drainage must be resolved prior to release of project for construction.

Motion was made and carried to recommend DO PASS with conditions.

Project Start **Date** September 11, 1984

Projected Completion or Occupancy **Date** October 22, 1984

Fact Sheet Prepared by **Date** October 23, 1984

Patricia Biancaniello

Reviewed by **Date** 10/24/84

Gary Barker

Reference or Case Number

ORIGINAL 6817 Admn. Appr. _____

DIGEST SHEET ORIGINAL

TITLE OF ORDINANCE Zoning Ordinance Amendment

DEPARTMENT REQUESTING ORDINANCE Land Use Management - CD&P 3-84-10-10

SYNOPSIS OF ORDINANCE Property commonly known as 3202 E. State Blvd.

COUNCILMANIC DISTRICT NO. 2

EFFECT OF PASSAGE Property is now zoning RB - Suburban Residential. Property will become B-1-B - Limited Business.

EFFECT OF NON-PASSAGE Property will remain RB - Suburban Residential.

MONEY INVOLVED (Direct Costs, Expenditures, Savings) _____

(ASSIGN TO COMMITTEE (J.N.) _____